

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:04.04.2024

Coram

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Criminal Original Petition No.8025 of 2024

Balaji@ Panai Balaji

.. Petitioner

/versus/

State Rep.by  
Inspector of Police,  
W-24 Teynampet Police Station,  
in Crime No.838 of 2018

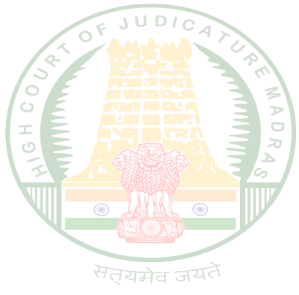
.. Respondent

Criminal Original Petition has been filed under Section 482 of Cr.P.C., praying to call for the records in Spl.S.C.No.50 of 2022 on the file of the Mahila Court and quash the said proceedings in Spl.S.C.No.50 of 2022 on the file of the Mahila Court, Allikulam, Chennai-3.

For Petitioner :Mr.J.William Shakesphere

For Respondent :Mr.K.M.D.Muhilan,  
Government Advocate (CrI.Side)

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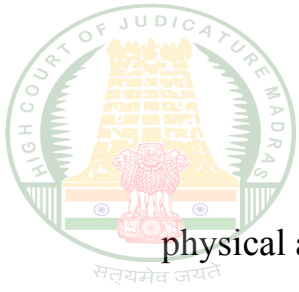


ORDER

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A 16 years old girl having eloped with 21 years boy an Auto Driver. The mother has filed a complaint reporting missing of her daughter which were turned to be a kidnapping case and based on the complaint, a case was registered inn Crime No.838/2018 for the offences under Section Girl Missing @ 366(A) and 6 of POCSO Act and final report was filed, which has been taken on file as Spl.S.C.No.50 of 2022 by the Mahila Court, Allikulam, Chennai. The trial has commenced. The victim girl was examined as PW-2. The defacto complainant, who is the mother of the victim girl was examined as PW-1. Both of them are turned hostile. The victim girl has said that on her own wish and love, she married the accused and now they are living as husband and wife and a female child was born to them on 24.07.2020.

2. Under such circumstances, the present petition is filed to quash the case in Spl.S.C.No.50 of 2022 in the interest of justice. It is the case of Romeo and Juliet, which ended successfully in marriage and the enlargement of the family by the birth of a child. The judicial system has to deal with the strict compliance of law to be enforced in this case or with humanitarian reasons, it has to be dealt with. Unfortunately, POCSO Act is silent. That silence in fact laded under which eventually have caused in life of a young couple forced by



physical attraction to commit the crime, which prescribes capital punishment.

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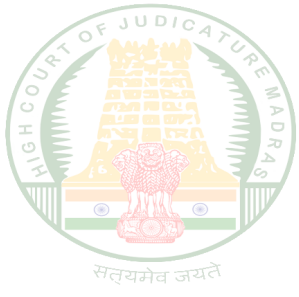
3. This Court is of the view that the inherent power under Section 482 of Cr.P.C, is really meant for the cases of this nature and to meet the ends of justice the prosecution against the husband has to be quashed, or else, instead of protecting the minor girl, who attained majority, it will create vulnerability to her and force her to exploitation, which precisely intends to be prevented under the POCSO Act.

4. For the above said reasons, this Criminal Original Petition is allowed and the case in Spl.S.C.No.50 of 2022 on the file of the Mahila Court, Allikulam, Chennai is hereby quashed.

04.04.2024

Index:yes/no  
Speaking order/non speaking order  
Neutral citation:yes/no  
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To:  
1.The Mahila Court, Allikulam, Chennai-3.  
2.Inspector of Police,W-24 Teynampet Police Station,



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